

PROPOSED STATE OF ILLINOIS RULES AFFECTING SMALL BUSINESS

Following are proposed rules of possible interest to small businesses published in the October 28, 2005 *Illinois Register*. During the 45-day comment period, individuals have an opportunity to express their support or opposition to the rule. To submit comments or to learn more about the proposed rules, contact Katy Khayyat at the Department of Commerce and Economic Opportunity Entrepreneurship Network Information Center via e-mail at kkhayyat@ildceo.net or call (800) 252-2923 or (217) 785-8020.

The following proposed regulation will impact lobbyists:

The Secretary of State proposed amendments for "Lobbyist Registration and Reports" (2 Ill. Adm. Code 560) to implement certain changes affecting lobbyists that result from new statutes titled State Officials and Employees Ethics Act (P.A. 93-615) and FY 2004 Budget Implementation Act (P.A. 93-32). A new section requires every registered lobbying entity to designate on its registration statement a "responsibility party" who will act as the contact person for the registered entity and handle lobbyist registration and reporting duties with the SOS Index Department that are not included in the duties of the entity's authorized agent. A registered entity that does not have more than one employee shall designate the authorized agent at the responsible party. Various forms and reports, including the required lobbyist photograph may be submitted electronically, but all paper submissions must be filed at the SOS Index Department's Springfield office by the end of business on the due date. The list of state officials by position title that SOS is required to maintain will be available on the SOS website and will be mailed to authorized agents only upon request. Lists of lobbyist registrants and expenditure reports will be available on computer disk at no charge to anyone who provides a compatible computer disk. Every person required to register must do so no later than two business days (currently 10 days) after being employed or retained and also on or before each January 31st and July 31st thereafter. The contents of the required registration statement are enumerated, including 22 categories from which to designate the nature of the client's business (e.g., healthcare, insurance, public utilities). The annual registration fee is increased from \$50/person to \$350/person, except that certain charitable and other not-for-profit organizations pay a \$150 fee with proof of Section 501 ©(3) tax status under the Internal Revenue Code. Concerning expenditure reports, the Index Department will notify any authorized agent who failed to file a required report within 10 days (currently 30 days) after the agent misses the reporting deadline. The information required in the itemized report of individual expenditures over \$100 is listed. Also, the rulemaking specifies that unreported gifts or honoraria may be reimbursed rather than returned to the lobbyist registrant by the gift or honoraria recipient if the official chooses. Expenditure report deadlines will not be extended due to a lobbyist's failure to receive an official's response to the information reported, but rather the lobbyist must promptly file an appendix to the report to cover such a response. Registered entities that make no reportable expenditures are required to file a Lobbying Activity Detail Report in addition to the Expenditure Summary Report.

Bottom Line: Rules reflect changes in the law, most notably the new section on "Designation Responsible Party" (the person available to provide information) and an addition to "Lobbyist Notifications to Officials" regarding deadline on expenditure reports prior to a response. Questions or comments can be directed to Nathan Maddox, 217-785-3094.

The following proposed regulation will impact commercial driver training schools and CDL holders:

The Secretary of State proposed amendments for "Commercial Driver Training Schools" (92 Ill. Adm. Code 1060) concerning the qualifications of instructors and "brush-up" courses for drivers with a commercial driver's license (CDL). The rulemaking specifically prohibits a commercial driver training school from knowingly using unlicensed instructors for classroom or behind-the-wheel and reiterates that no person may instruct in the L and/or M classification who has not held the representative classification (Class M) for the 3 consecutive prior years. (Class M covers any motorcycle or any "motor-driven cycle". Class L covers only motor-driven cycles with less than 150 cc displacement.) Concerning brush-up

Bottom Line: The rules disallow unlicensed and/or unqualified instructors; prohibits third party safety officers from being licensed as instructors; requires licensure prior to teaching; and limits brush-up courses to previous licensees. For additional information, contact JoAnn Wilson, 217-785-1441.

The following proposed amendment will impact physicians, nurses, vehicle service providers, and other healthcare workers:

Bottom Line: DPH, in cooperation with statewide organizations, developed a uniform DNR order to be used in all settings. First Responders now includes EMS personnel. Annual quality assurance policy reports are no longer required. Contact Susan Meister, 217-7895-2043 with questions or comments.

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